

# DEPOSITION TRANSCRIPT OF PLAINTIFF

1 A. I don't recall.

2 MR. BERNBACH: We have 10 minutes more.

3 Is that what you said?

4 MS. DONNELLY: For today, yeah.

5 MR. BERNBACH: I'll tell you what. I  
6 thought about it. Ask her about that picture.

7 MS. DONNELLY: I'll ask her later.

8 Q. Can you tell me what a Screamin' Eagle  
9 race tuner is used for?

10 A. A race tuner is used for -- when tuning  
11 the motorcycles. You have to -- if you change the,  
12 change some components of the motorcycle, it has to  
13 be re-tuned.

14 Q. Can you tell me what an ECM is?

15 A. No, I cannot.

16 Q. Can you tell me what an ECU is?

17 A. ECU. No.

18 Q. What HTTC is?

19 A. No, I cannot.

20 Q. What compression releases are used for?

21 A. To release compression or air.

22 Q. Can you tell me the difference between a  
23 twin cam A and a twin cam B?

24 A. No.

25 Q. Can you tell me, what is CVO?

1 A. CVO is a reference to an engine.

2 Q. Can you tell me how many Harley families  
3 there are?

4 A. I have to figure it out. There are  
5 several, more than several. I will give you a rough  
6 number. I can figure it out, but -- I'll figure it  
7 out. There's the Sportster -- six, roughly.

8 Q. Can you identify them for me?

9 A. You have the Sportster, you have the  
10 touring bikes, you have the soft tails, you have the  
11 Screamin' Eagles, you have the V-Rods or the CVOS,  
12 you have the Dynas, I said the touring bikes which  
13 encompass a lot of different motorcycles.

14 Q. I am just asking about the family.

15 What does Syn 3 stand for?

16 A. Syn 3, I do not know. Synthetic  
17 something.

18 Q. Why are there some models ending in I?

19 A. Because it shows the model that they are,  
20 differentiates between models.

21 Q. What is EFI?

22 A. I don't recall. I know -- I knew it at  
23 one time, I don't know it now.

24 Q. What is HIB?

25 A. I don't recall.

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9 commission?

10 A. Yes.

11 Q. Your testimony is he offered you 70,000  
12 salary?

13 A. Salary, salary plus commission.

14 Q. That's different.

15 A. Okay, salary plus commission.

16 Q. What was the salary he offered you?

17 A. He didn't. I already started full-time  
18 and I kept asking them what my salary was going to  
19 be and their final decision was \$10 an hour plus  
20 commission.

21 Q. When he offered you, according to your  
22 earlier testimony, 60 or \$70,000 to be a sales  
23 associate, that was salary plus commission?

24 A. Yes.

25 Q. How can he guarantee what commission

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1 you're going to earn?

2 A. I guess based on the -- what the stores  
3 were at that point.

4 Q. But commission's up to you?

5 A. Right.

6 Q. How much experience did Wayne have  
7 selling Harley-Davidsons?

8 A. I don't know, a few years.

9 Q. A few years. How about Gregory, do you  
10 know how many years?

11 A. A few years. I was not new to  
12 motorcycling.

13 Q. Excuse me?

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14 A. I was not new to motorcycling. I've been  
15 riding a motorcycle for 20 years.

16 Q. Does riding a motorcycle make you  
17 qualified to sell a motorcycle?

18 A. Yes, I was, absolutely. I was on my  
19 eighth motorcycle.

20 Q. I've had a number of cars, that doesn't  
21 make me qualified to sell them.

22 MR. BERNBACH: Well, that's you, not her.

23 Q. How many of your motorcycles were Harley-  
24 Davidsons?

25 A. Two.

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1 Q. Out of the eight that you owned -- did  
2 you own them?

3 A. I owned one for, the first Harley for 10  
4 years, and the second one for maybe six or seven  
5 months at the time I started working full-time.

6 Q. What was the first one?

7 A. A 1200 Sportster.

8 Q. What was the second one?

9 A. Soft Tail Deluxe.

10 Q. What were the other motorcycles that you  
11 owned?

12 A. They were all Hondas and one Yamaha.

13 Q. You sold motorcycles at BMW, correct?

14 A. Yes.

15 Q. What was your salary there?

16 A. I made \$10 an hour -- no, \$10 an hour  
17 plus commissions. That was seven, eight years ago.  
18 That was eight years ago.

15 but they're the same, correct? 120307lascalzo

16 A. Yes.

17 MR. BERNBACH: I think they are the same.

18 Q. Other than the individuals that you  
19 testified who witnessed this incident with the  
20 motorcycle, any individuals that you recall now who  
21 witnessed any of the allegations in your Complaint,  
22 the specific allegations in your Complaint?

23 A. No.

24 Q. You claim that you complained to Patty  
25 Massa --

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1 A. Yes.

2 Q. -- about Jack's comments?

3 A. Yes.

4 Q. Did you ever complain to Jack?

5 A. No, but in a case like that, I told him  
6 he was disgusting when he said -- he asked if, you  
7 know, said about the business trip, the dealer show  
8 and that Denise wasn't going. I just said I have no  
9 reason to go, and I walked away. I usually just  
10 walked away from Jack when he made these comments to  
11 me.

12 Q. You didn't ask him to stop?

13 A. No, I usually just walked away.

14 Q. Did you ever joke back with Jack?

15 MR. BERNBACH: Object to the question.

16 Joked back, who says he was joking?

17 Q. Did you ever make any comments to Jack?

18 A. Not of any sexual nature, no.

19 Q. Did you ever send him any suggestive